

In The Court Of Appeal Of The State Of California

1

Sixth Appellate District

San Jose, California

TUESDAY, JANUARY 3, 2006

H024323 PEOPLE v. MIRAMONTES

The judgment is reversed and the matter remanded to the trial court with directions to conduct an in camera hearing on defendant's *Pitchess* motion consistent with this opinion. If the hearing reveals no discoverable information in the officers' personnel files, the trial court is ordered to reinstate the judgment.

If there is discoverable material in the officers' personnel files, discovery shall be granted and the information turned over to defendant so that he may determine whether that material would have led to any relevant, admissible evidence that he could have presented at trial. If defendant is able to demonstrate that he was prejudiced by the earlier denial of discovery, the trial court should order a new trial. If defendant is unable to demonstrate prejudice, the trial court is ordered to reinstate the judgment. (not published)

Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 3, 2006

WEDNESDAY, JANUARY 4, 2006

H028274 GUR v. GUR

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (not published)

(Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.)
Filed January 4, 2006

H026396 THE PEOPLE, ex rel. MONTEREY MUSHROOMS, INC. v. THOMPSON, et al.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed January 4, 2006

The following cases are submitted this date:

H028628 MONTEREY COUNTY DSS v. JUAN M., et al.

H028826 D.F.C.S. v. SANDRA G., et al.

THURSDAY, JANUARY 5, 2006

H027476 FEITELBERG v. CREDIT SUISSE FIRST BOSTON LLC., et al.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: January 5, 2006

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

In The Court Of Appeal Of The State Of California

2

Sixth Appellate District

San Jose, California

Thursday, January 5, 2006 (continued)

H028179 PEOPLE v. DOLIVIERA

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 5, 2006

The following cases are submitted this date:

H028273 PEOPLE v. CAPELA

H028708 PEOPLE v. ROMERO

H027939 SCHWAGER v. ANDERSON

H028968 SMITH v. COUNTY OF SANTA CRUZ, et al.

H028991 PEOPLE v. ARELLANO-LANDA

H028212 PEOPLE v. GONZALEZ

H028880 COUNTY OF SANTA CRUZ v. HAL PORTER HOMES

H028081 PEOPLE v. ISBELL

H028603 PEOPLE v. OURIQUE

H028607 PEOPLE v. ASSANTE

H028924 PEOPLE v. CASTRO

H027917 PEOPLE v. HANCOCK

H027890 PEOPLE v. WALLACE

H028804 CAMPBELL v. CAMPBELL

H028382 PEOPLE v. URIBE

H029384 PEOPLE v. RANGER INSURANCE COMPANY, et al.

Appellant's motion to set aside dismissal and reinstate the appeal is granted. The appeal is restored to active status and the clerk of the superior court is directed to proceed with record preparation.

Appellant is directed to file an original completed Civil Case Information Statement with proof of service and copy of order appealed from attached within 5 days from the date of this order.

Filed January 5, 2006

H028923 COMMONS v. SWAN

By the Court:

Appellant's motion to vacate the dismissal is denied.

Dated: January 5 2006

Rushing, P.J.

FRIDAY, JANUARY 6, 2006

H028797 PEOPLE v. JOHNSON

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 6, 2006

Sixth Appellate District

San Jose, California

Friday, January 6, 2006 (continued)

The following cases are submitted this date:

H028462 PEOPLE v. FOURNIER
H028900 PEOPLE v. HENDERSON
H029011 PEOPLE v. MOORE
H029028 PEOPLE v. LETENDRE
H029223 PEOPLE v. WASHINGTON
H029224 PEOPLE v. BAEZ

H027943 DAVIS v. STEINER

By the Court:

Upon the court's own motion, the submission order of December 6, 2005, is hereby vacated. The court by separate letter issued January 5, 2006, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: January 6, 2006 Bamattre-Manoukian, Acting P.J.

H027919 PEOPLE v. JEFFERSON

The judgment is modified to strike the award of attorney's fees. As modified, the judgment is affirmed. (not published) (Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed January 6, 2006

H028847 PEOPLE v. GRADY

The judgment is ordered modified by striking the \$70 AIDS education fund fine. The judgment is further ordered modified to reflect modification of the relevant probation conditions to read as follows: "Defendant shall not knowingly contact the victim or the victim's family; and he is to stay 300 yards away from the victim, any person he knows to be her family member, and any place, residence, business or vehicle he knows to be associated with the victim or her family members." As so modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed January 6, 2006